

**To:** Gray, David[gray.david@epa.gov]; Card, Joan[Card.Joan@epa.gov]  
**Cc:** Grantham, Nancy[Grantham.Nancy@epa.gov]; Levine, Carolyn[Levine.Carolyn@epa.gov]; R8 GKM Leadership Team[R8\_GKM\_LeadershipTeam@epa.gov]; Keener, Bill[Keener.Bill@epa.gov]; Zito, Kelly[ZITO.KELLY@EPA.GOV]; Chilingaryan, Sona[Chilingaryan.Sona@epa.gov]; Wall, Tom[Wall.Tom@epa.gov]; Loop, Travis[Loop.Travis@epa.gov]; Deitz, Randy[Deitz.Randy@epa.gov]; Cohen, Nancy[Cohen.Nancy@epa.gov]; Colip, Matthew[colip.matthew@epa.gov]; Lowery, Brigid[Lowery.Brigid@epa.gov]  
**From:** StClair, Christie  
**Sent:** Wed 5/18/2016 7:17:47 PM  
**Subject:** RE: ACTION (reply NLT 3:30pm EST) - Daily Caller: Hatch/Gardner proposed legislation

Can you please mark up the version below? Want to be sure I capture it accurately.

**Christie St. Clair**

Office of Public Affairs

Environmental Protection Agency

Washington, DC

o: 202-564-2880

m: 202-768-5780

**From:** Gray, David  
**Sent:** Wednesday, May 18, 2016 3:15 PM  
**To:** Card, Joan <Card.Joan@epa.gov>  
**Cc:** StClair, Christie <StClair.Christie@epa.gov>; Grantham, Nancy <Grantham.Nancy@epa.gov>; Levine, Carolyn <Levine.Carolyn@epa.gov>; R8 GKM Leadership Team <R8\_GKM\_LeadershipTeam@epa.gov>; Keener, Bill <Keener.Bill@epa.gov>; Zito, Kelly <ZITO.KELLY@EPA.GOV>; Chilingaryan, Sona <Chilingaryan.Sona@epa.gov>; Wall, Tom <Wall.Tom@epa.gov>; Loop, Travis <Loop.Travis@epa.gov>; Deitz, Randy <Deitz.Randy@epa.gov>; Cohen, Nancy <Cohen.Nancy@epa.gov>; Colip, Matthew <colip.matthew@epa.gov>; Lowery, Brigid <Lowery.Brigid@epa.gov>  
**Subject:** Re: ACTION (reply NLT 3:30pm EST) - Daily Caller: Hatch/Gardner proposed

# Deliberative Process/Ex. 5

Sent from iPhone - excuse typos

On May 18, 2016, at 2:09 PM, Card, Joan <[Card.Joan@epa.gov](mailto:Card.Joan@epa.gov)> wrote:

## Deliberative Process/Ex. 5

Joan Card

Senior Policy Advisor

Region 8

Sent from my EPA iPhone

On May 18, 2016, at 1:07 PM, StClair, Christie <[StClair.Christie@epa.gov](mailto:StClair.Christie@epa.gov)> wrote:

Michael Bastasch of Daily Caller is asking about the Hatch/Gardner legislation. Draft responses below.

Please send edits no later than 3:30pm EST.

1. Does EPA have a response on the legislation being proposed (see press release below)?

## Deliberative Process/Ex. 5

2. Is it true EPA is not paying out all of the costs related to the spill? Let me know, thanks!

## **Deliberative Process/Ex. 5**

# Deliberative Process/Ex. 5

----- Forwarded message -----

From: **Whitlock, Matt (Hatch)** <[Matt\\_Whitlock@hatch.senate.gov](mailto:Matt_Whitlock@hatch.senate.gov)>

Date: Wed, May 18, 2016 at 2:04 PM

Subject: RELEASE: Hatch, Gardner Introduce Bill Holding EPA Accountable for Gold King Mine Spill

To:

Cc: "Freire, JP (Hatch)" <[JP\\_Freire@hatch.senate.gov](mailto:JP_Freire@hatch.senate.gov)>

<image001.png>

**FOR IMMEDIATE RELEASE**

Wednesday, May 18, 2016

Media Contacts:

Matt Whitlock (Hatch): [\(202\) 224-4511](tel:(202)224-4511)

Megan Taylor (Gardner): [\(202\) 224-5941](tel:(202)224-5941)

**Hatch, Gardner Introduce Bill Holding EPA Accountable for Gold King Mine Spill**

**Washington, DC** – Today, Senators Orrin Hatch (R-UT) and Cory Gardner (R-CO) introduced the Gold King Accountability and Compensation for Taxpayers Act—a fiscally responsible bill that requires the Environmental Protection Agency (EPA) to compensate all communities impacted by the Gold King Mine spill, which occurred last August after the EPA unintentionally released millions of gallons of wastewater into the Animas River. The legislation follows [reports](#) that the federal government will not fully reimburse La Plata County for costs associated with the accident.

“Last year the EPA inadvertently spilled millions of gallons of waste into the Animas River in Colorado, exposing the waterways and surrounding environment to toxic heavy metals,” **said Hatch**. “This spill had a significant adverse impact on many downstream communities and businesses throughout multiple Western states—including Utah. The EPA must be held accountable for this travesty, and those that were impacted by this man-made disaster should be justly compensated. I am proud to join Senator Gardner in introducing legislation that will accomplish both these goals.”

“The EPA-born Gold King Mine disaster financially burdened families, businesses, tribal communities, and local governments not only in Colorado, but also neighboring states,” **said Gardner**. “The EPA is wholly accountable and therefore should be held to the same standard as private companies, and the Gold King ACT makes sure of it. I’ll continue to fight to ensure all of those affected by the Animas River spill are made whole, and encourage my colleagues to join Senator Hatch and me in rejecting Washington’s double standard and holding the EPA fully liable.”

Currently, there are more than 60 federal tort claims relating to the Gold King Mine spill. The Gold King ACT holds the EPA fully accountable by requiring the agency to pay for these claims out of its own budget. Additionally, the legislation expedites the payout of emergency response costs assumed by tribes, counties, and local governments. While some of the response claims have been paid, the EPA has stated that it is not preparing to process emergency response actions after October 31, 2015. This bill directs the EPA to process and pay claims filed after this date as long as a claimant’s action is consistent with standard emergency response costs listed in federal law. Lastly, the legislation requires the EPA to work in coordination with states

and Native American tribes to develop and implement a program for long-term water quality monitoring of the Animas River, which includes collecting water quality samples and sediment data and releasing it to the public.

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